

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Szu-Min Lin
Serial No. : 10/646,296 Art Unit: 1744
Filed : August 22, 2003 Examiner: M.R. Chorbaji
For : MIST STERILIZATION SYSTEM

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE

Dear Sir:

This paper is filed responsive to the Office Action mailed September 25, 2006. Claims 1 to 10 are pending in the application. Claims 1 to 7, 9 and 10 stand rejected under 35 U.S.C. §102(b) over the Cummings EP0373201. Claim 8 stands rejected under 35 U.S.C. §103(a) over Cummings in view of the Jacobs et al. U.S. Patent No. 5,785,934. Applicants respectfully traverse the rejections and request reconsideration and reexamination of the application.

The Examiner has rejected claims 1 to 7, 9 and 10 under 35 U.S.C. §102(b) over Cummings. In the rejection the Examiner asserts that Cummings discloses “introducing a sterilant as a mist into the chamber (page 5, lines 35-42).” This is not correct. Actually, Cummings teaches that “vapor phase hydrogen peroxide is introduced into chamber 30” (page 5, line 37). Hydrogen peroxide enters in the vapor phase, not as a mist. Accordingly, Cummings fails to anticipate the claimed invention.

The Examiner has rejected claim 8 under 35 U.S.C. §103(a) over Cummings and Jacobs et al. Neither Cummings nor Jacobs et al. discloses introducing a mist of sterilant into the chamber. Accordingly, Applicants respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness.